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Attorneys for Third-Party Defendant and Cross-Claimant  
SCOTTSDALE INSURANCE COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SIERRA BAY CONTRACTORS, INC., a  
California Corporation,

Plaintiff,

v.

WESTCHESTER SURPLUS LINES  
INSURANCE COMPANY, a Georgia corporation,  
and ROES 1 through 50, inclusive,

Defendants.

WESTCHESTER SURPLUS LINES INSURANCE  
COMPANY, a Georgia Corporation,

Third-Party Plaintiff,

v.

ASPEN SPECIALTY INSURANCE COMPANY,  
a North Dakota Corporation; CONTINENTAL  
CASUALTY INSURANCE COMPANY, an  
Illinois Corporation; GEMINI INSURANCE  
COMPANY, a Delaware Corporation; GREAT  
AMERICAN ASSURANCE COMPANY, an Ohio  
Corporation; GREAT AMERICAN INSURANCE  
COMPANY, an Ohio Corporation; INTERSTATE  
FIRE AND CASUALTY COMPANY, an Illinois  
Corporation; LEXINGTON INSURANCE  
COMPANY, a Delaware Corporation; LIBERTY

CASE NO. 3:10-CV-04611-RS

**STIPULATION AND [PROPOSED]  
ORDER FOR DISMISSAL WITHOUT  
PREJUDICE OF SCOTTSDALE  
INSURANCE COMPANY'S CROSS-  
CLAIM AGAINST NAVIGATORS  
SPECIALTY INSURANCE COMPANY,  
FORMERLY KNOWN AS NIC  
INSURANCE COMPANY, IN  
EXCHANGE FOR A WAIVER OF  
COSTS**

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SURPLUS INSURANCE CORPORATION, a New Hampshire Corporation; NIC INSURANCE COMPANY, a New York Corporation; OLD REPUBLIC GENERAL INSURANCE CORPORATION, an Illinois Corporation; TRANSCONTINENTAL INSURANCE COMPANY, an Illinois Corporation; SCOTTSDALE INSURANCE COMPANY, an Ohio Corporation; TRUCK INSURANCE EXCHANGE, a California Corporation; VIRGINIA SURETY COMPANY, an Illinois Corporation,

Third-Party Defendants.

SCOTTSDALE INSURANCE COMPANY, an Ohio Corporation,

Cross-Claimant,

v.

AMERICAN SAFETY INDEMNITY COMPANY an Oklahoma Corporation; NAVIGATORS SPECIALTY INSURANCE COMPANY, formally known as NIC Insurance Company, a New York Corporation; GEMINI INSURANCE COMPANY, a Delaware Corporation; LEXINGTON INSURANCE COMPANY, a Delaware Corporation; and ROES 1 through 20, inclusive,

Cross-Defendants.

Pursuant to Federal Rule of Civil Procedure 41, third-party defendant and cross-claimant Scottsdale Insurance Company ("Scottsdale"), and cross-defendant Navigators Specialty Insurance Company, formerly known as NIC Insurance Company ("Navigators"), have agreed and hereby stipulate to the dismissal of Scottsdale's Cross-Claim against Navigators, without prejudice, subject to said parties' mutual waiver of costs.

**IT IS SO STIPULATED.**

Selman Breitman LLP  
ATTORNEYS AT LAW

1 DATED: May 25, 2012

SELMAN BREITMAN LLP

2  
3 By: 

Lisa M. Lampkin

4 Attorneys for Third-Party Defendant and Cross-  
Complainant Scottsdale Insurance Company

5 DATED: May 25, 2012

GREENAN, PEFFER, SALLANDER & LALLY

6  
7 By: 

8 Robert L. Sallander, Jr.


9 Attorneys for Cross-Defendant Navigators Specialty  
Insurance Company, formerly, known as NIC  
Insurance Company

10  
11  
12 **[PROPOSED] ORDER OF PARTIAL DISMISSAL**

13 Having reviewed the above stipulation, the Court orders that cross-defendant Navigators  
14 Specialty Insurance Company, formally known as NIC Insurance Company, be dismissed, without  
15 prejudice, from Scottsdale Insurance Company's cross-claim, with each side to bear its own fees  
16 and costs. The remainder of the cross-claims shall not be impacted by this Order.

17  
18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19 Dated: 5/30/12

20   
21 United States District Court  
22 District of Northern California